



Public Notice

Applicant:
Ted Swartz

Date:
Published: Jan. 16, 2001
Expires: Feb. 15, 2001

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 98-505-0005(1) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Ted Swartz, 9052 Route 14, Streetsboro, Ohio 44241, has applied for After-the-Fact authorization for the placement of fill material in the waters of Lake Erie in connection with the armor stone reinforcement of an existing dock. The project is located on Swartz Lane, Middle Bass Island, Ottawa County, Ohio.

This project consists of the following:

a. The applicant received Department of the Army (DA) authorization for the placement of a steel crib dock 115 linear feet in length, Letter of Permission (98-505-0005) dated August 5, 1998. The dock was then constructed as proposed.

b. On November 13, 2000, the applicant applied for an After-the-Fact permit for the unauthorized placement of 67.4 cubic yards of armor stone below the Ordinary High Water Level in Lake Erie. The armor stone was placed on the lakeward side of the existing dock.

The applicant's stated purpose is to protect the steel crib dock from ice damage and to provide long-term erosion protection.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Scott L. Schlueter, who can be contacted by calling (716) 879-4325, or by e-mail at: scott.l.schlueter@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Don Povolny or Ms. Kim Baker
Ohio Department of Natural Resources
Division of Real Estate and Land Management
Resource Management Section
1952 Belcher Drive, Building C-4
Columbus, Ohio 43224-1386
Telephone (614) 265-6411

FAX (614) 267-4764
e-mail: kim.baker@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

The project is adjacent to the East Point Manor House, which is listed in the National Register of Historic Places. It was determined that the East Point Manor House is not located within the permit area and the proposed project will have no direct effect on the historic property.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Scott L. Schlueter, or by e-mail at: scott.l.schlueter@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

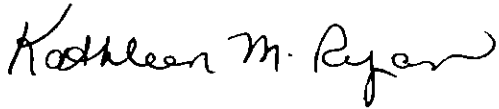

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

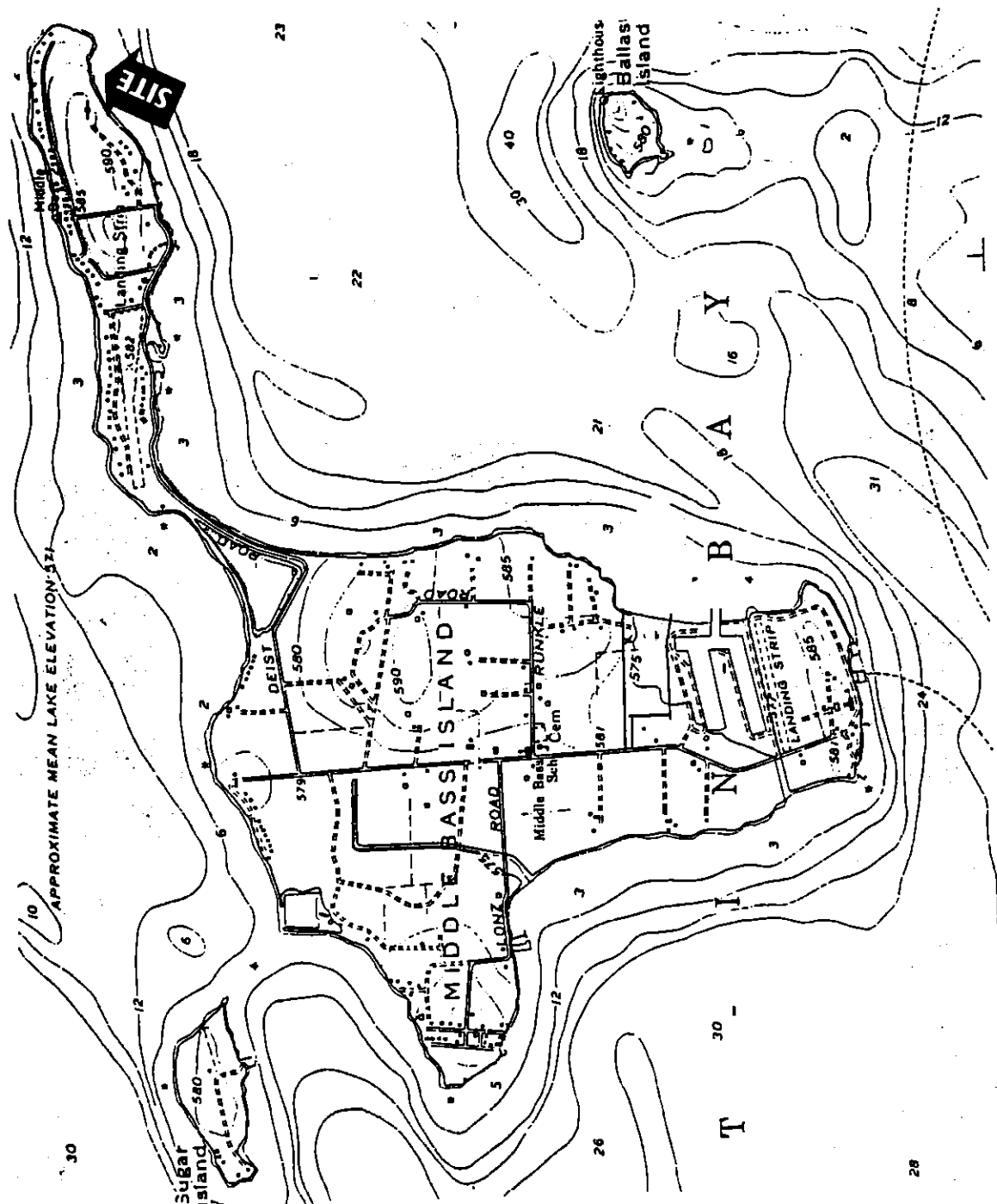
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


 Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



SWARTZ, TED
 D/A Processing No. 98-505-0005(1)
 Ottawa County, Ohio Quad: PUT-IN-BAY
 Sheet 1 of 4

LOCATION MAP FIGURE 1

PROJECT: SWARTZ DOCK
 LOCATION: MIDDLE BASS ISLAND
 OTTAWA COUNTY, OHIO

CHAGIN VALLEY
 ENGINEERING, LTD.

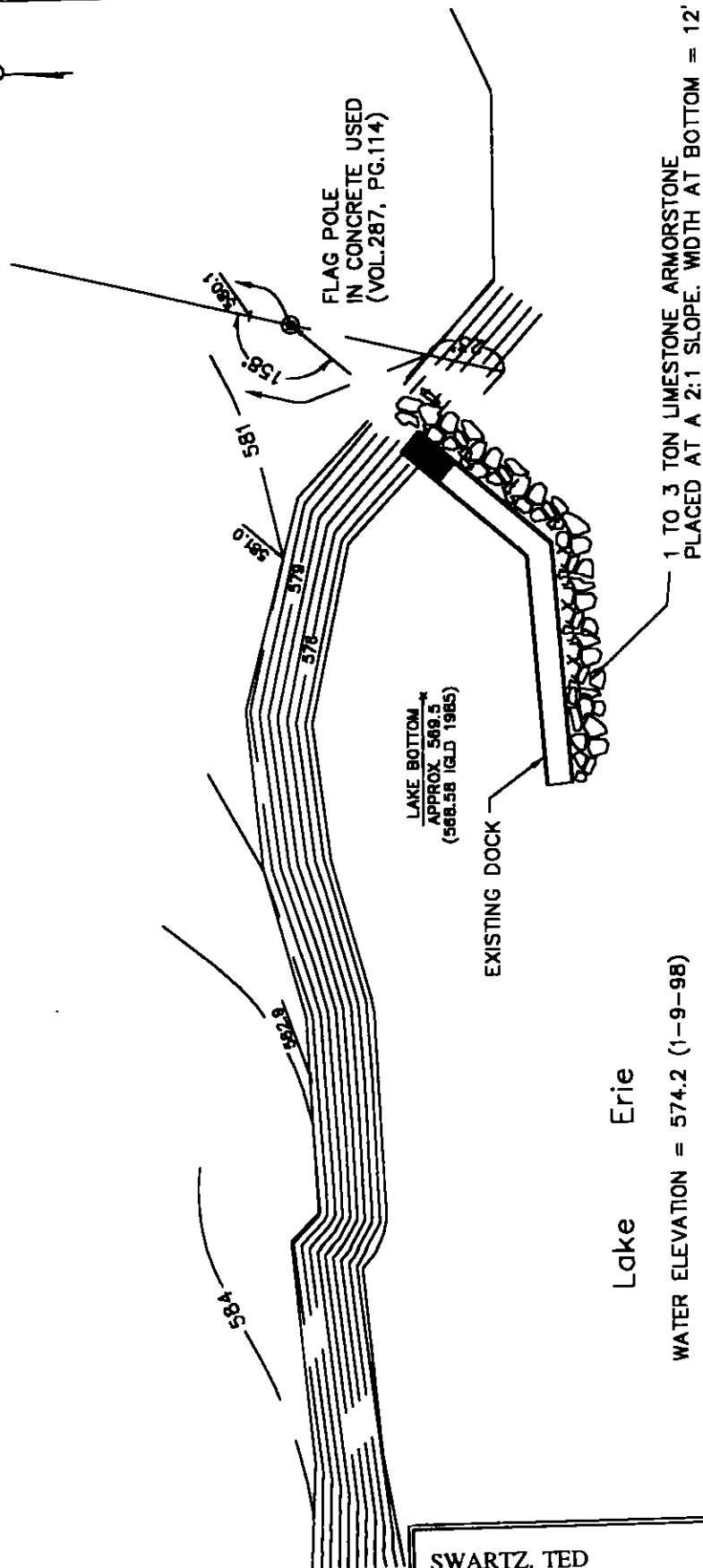


SWARTZ, TED
D/A Processing No. 98-505-0005(1)
Ottawa County, Ohio Quad: PUT-IN-BAY
Sheet 2 of 4



PROJECT: SWARTZ DOCK
LOCATION: MIDDLE BASS ISLAND
OTTAWA COUNTY, OHIO

PROPERTY OWNER'S MAP FIGURE 2



Lake Erie

WATER ELEVATION = 574.2 (1-9-98)

PLAN
1" = 50'

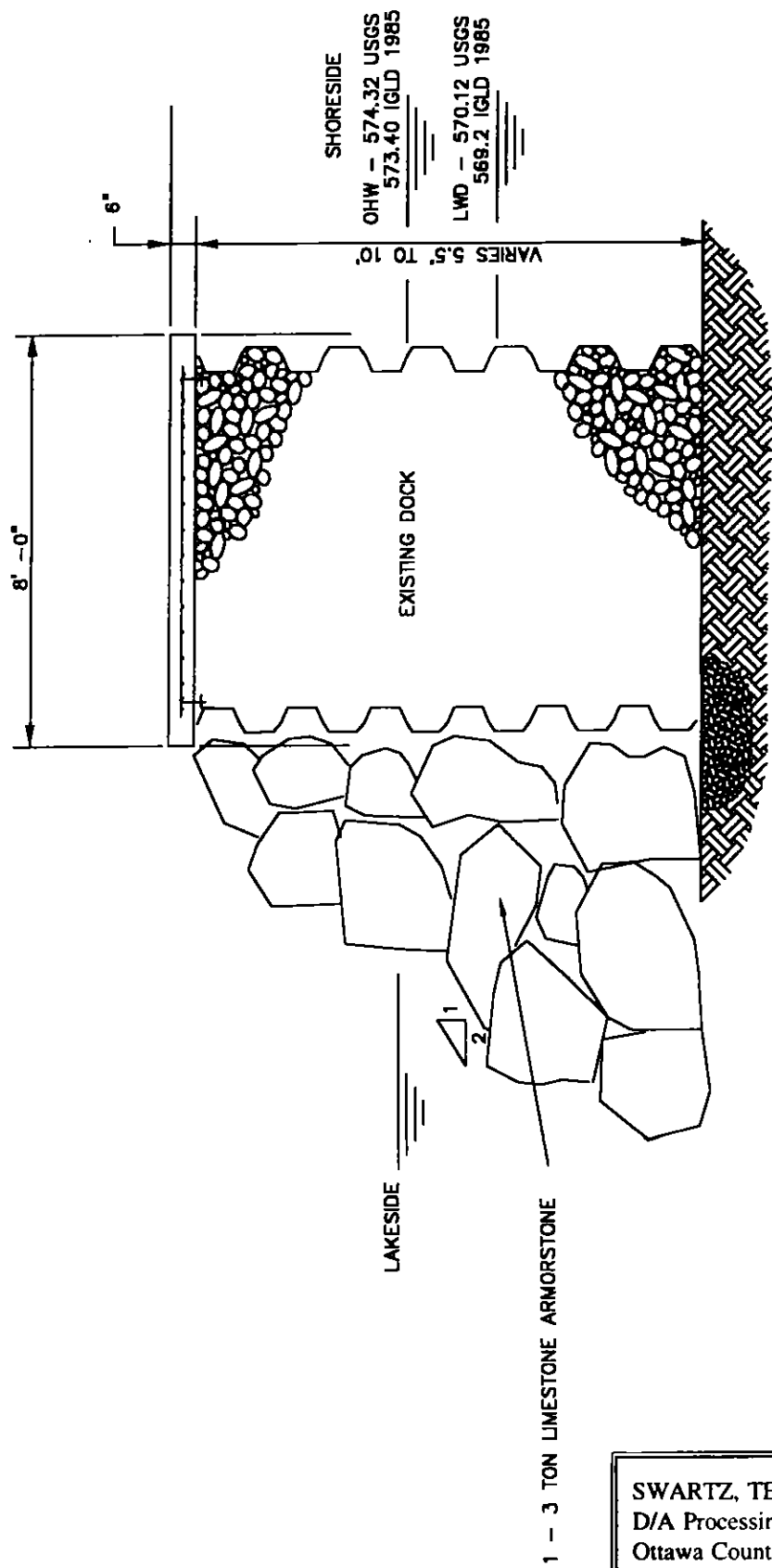
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PROJECT: SWARTZ DOCK
LOCATION: MIDDLE BASS ISLAND
OTTAWA COUNTY, OHIO

PLAN FIGURE 3

CHAGRIN VALLEY
ENGINEERING, LTD.





DOCK SECTION
N.T.S.

CHAGRIN VALLEY ENGINEERING, LTD.	PROJECT: SWARTZ DOCK LOCATION: MIDDLE BASS ISLAND OTTAWA COUNTY, OHIO	DOCK SECTION	FIGURE 4
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